

Notice of Allowability

Application No.

10/672,328

Examiner

Sheng-Jen Tsai

Applicant(s)

WITTER ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/10/2006.
2. ☒ The allowed claim(s) is/are 1,4-9 and 12-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is taken in response to Applicants' Amendments and Remarks filed on May 10, 2006 regarding Application 10,672,328 filed on September 26, 2003.

2. Claims 2-3 and 10-11 have been cancelled.

Claims 1, 4-9 and 12-14 are pending for examination.

3. ***Response to Amendments and Remarks***

As to Double Patenting Rejections and Terminal Disclaimer.

The terminal disclaimer filed on May 10, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US patent **6,629,253** has been reviewed and is accepted. The terminal disclaimer has been recorded.

As a result of the acceptance of the terminal disclaimer, double patenting rejections of claims 1, 4-9 and 12-14 as being anticipated by US patent **6,629,253** as stated in the previous Office Action have been withdrawn.

Allowable Subject Matter

4. It was indicated in the previous Office Action that claims 1, 4-9 and 12-14 would be allowable if the corresponding double patenting rejections could be overcome. As a result of the acceptance of the terminal disclaimer, double patenting rejections of claims 1, 4-9 and 12-14 as being anticipated by US patent **6,629,253** as stated in the previous Office Action have been withdrawn. Therefore, claims 1, 4-9 and 12-14 become allowable.

Reasons for Allowable

5. The following is an Examiner's statement of reasons for allowance:

Independent claims 1 and 9 have been amended with new limitation of **"a timer to insert a delay time between consecutive fragment requests for fragments from different planes."**

This particular limitation, combined with other limitations recited in claims 1 and 9, makes this invention unique and distinguishes it from the mentioned references.

The patentability of Applicants' invention was examined and evaluated against the prior art listed below.

- Meinerth et al., (US 6,199,149), "Overlay Counter for Accelerated Graphic Port."
- Pfeiffer et al., (US 5,146,592), "High Speed Image Processing Computer with Overlapping Windows-DIV."
- Ichikawa et al., (US 5,440,680), "Image Display Controller Having a Common Memory for Storage of Image Overlay Data and Window Identification Data."

However, none of the prior art of the record teaches or suggests, independently or in combination, the specific features, as recited in claims 1 and 9.

Conclusion

6. Claims 1, 4-9 and 12-14 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheng-Jen Tsai whose telephone number is 571-272-4244. The examiner can normally be reached on 8:30 - 5:00.


Art Unit: 2186

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheng-Jen Tsai
Examiner
Art Unit 2186

May 18, 2006


PIERRE BATAILLE
PRIMARY EXAMINER
5/23/06